

**MINUTES OF THE  
IMPROVEMENT & SERVICE COMMITTEE  
Wednesday, October 26, 2016  
ROOM 207, CITY HALL  
5:00 p.m.**

MEMBERS: Committee Chairman Andy Nicholson, Committee Vice-Chairman Chris Wery, David Nennig, John Vander Leest

MEMBERS EXCUSED: None (Ald. Nicholson left at 6:15 PM)

OTHERS PRESENT: Green Bay Plumbing Inspector Jason Sladky, Brentt Michalek (Mobilitie), Brian Powell, Pete Basten, Attorney Eric Erdman, Purchasing Manager Rick Jensen, Ald. Mark Steuer, Diane Widi, Ald. Tom Sladek, Assistant City Attorney Joe Faulds, Ald. Guy Zima, Chief of Staff Celestine Jeffreys, Lee Olson

1. Approval of the minutes from the regular meeting on October 12, 2016.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the minutes from the regular meeting on October 12, 2016. Motion carried.

2. Approval of the agenda.

To accommodate those in attendance, item number 7 will be discussed first, item number 6 will be moved to the end of the agenda, and then the Committee will return to the proposed agenda.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the agenda as amended. Motion carried.

3. Consideration with possible action on request by Craig Basten to have Department of Public Works handle snow removal along Humboldt Road.

Director Grenier stated there are several large undeveloped parcels along the route of the Humboldt Road project. The road project was funded in part with federal monies and the design had to include bicycle and pedestrian accommodations to satisfy the requirements of receiving the federal monies. Director Grenier read into the minutes a letter received from the Basten family who owns several of the large undeveloped parcels. There are several possible options for the Committee to follow. One would be to have Department of Public Works (DPW) clear the sidewalks adjacent to the large parcels and another option may be to waive the requirement to clear the sidewalk of snow. Director Grenier suggested that whichever option is selected could be made contingent upon such time as the property in question becomes developed. The area in question is in Ald. Dorff's District. There are several property owners along this section of Humboldt Road that own large undeveloped parcels and this request could be the first of several requests received to address snow removal on the new sidewalk.

The floor was opened for discussion. Pete Basten stated that before the project there was a gravel shoulder and ditches. People walked along the edge of the road. The parcels that his family owns are undeveloped farmland.

Ald. Nicholson asked if the sidewalks are used. Mr. Basten stated they are just used for recreation now.

Director Grenier stated there are not a lot of businesses in the area. The only connection would be for Baird School.

Ald. Nicholson stated there is not much traffic and wondered if a grace period could be used until the sidewalk use pattern is determined.

Mr. Basten asked what the options are and then the floor was closed for discussion.

Ald. Zima stated that the simplest thing to do would be to waive the requirement for plowing the sidewalks for the winter.

Director Grenier stated that the City will maintain the sidewalks on the Arnie Wolff Park parcel.

The Committee members discussed the issue and determined that they wanted to hold this item.

A motion was made by Ald. Nennig and seconded by Ald. Wery to hold until the next Improvement & Service Committee meeting the request by Craig Basten to have Department of Public Works handle snow removal along Humboldt Road. Motion carried.

4. Consideration with possible action on request by Green Bay Water Utility to amend Section 16.155 of Green Bay Municipal Code regarding compulsory connection to water and well abandonment (referred to the Law Department from Improvement and Service Committee meeting on October 12, 2016).

The draft language which was presented at the last meeting was forwarded to Law Department and was put into final Ordinance form. The version of the Ordinance presented tonight represents that final form as modified by the Law Department. DPW recommends approval of the Ordinance amendment.

A motion was made by Ald. Wery and seconded by Ald. Vander Leest to approve the request by Green Bay Water Utility to amend Section 16.155 of Green Bay Municipal Code regarding compulsory connection to water and well abandonment. Motion carried.

5. Consideration with possible action on request by Ald. Sladek to discuss the creation of an ordinance limiting the height of property-line hedges to the same height as property-line fences.

Ald. Sladek stated that he had received this complaint from the resident. Her neighbor has a 10-12 foot high un-trimmed hedge along the outline of their rear yard. How are hedges any different than fences and why are hedges not regulated?

The floor was opened for discussion. Diane Widi, 1258 Sand Hill Drive, shared a couple of black and white photos of the hedge in question. Her neighbor uses the hedge as a border fence. She stated that she was able to determine that the City of Madison has hedge restrictions. Without a height restriction her side of the hedge is very difficult to maintain. If a 6-foot high fence can address privacy issues why does anyone need a 10-12 foot high hedge? She stated she has tried to discuss this issue with the neighbor in the past and she has not been able to resolve the issue.

Ald. Steuer stated the unmaintained nature of the hedge makes it an eyesore and then the floor was closed for discussion.

Ald. Nennig stated he has homes with similar plantings in his district but he has not received any complaints.

Ald. Sladek stated that the definition of a hedge could be narrowed and made clearer.

Director Grenier stated that typically items like this that are on private property are an Inspection issue to resolve, but he feels that there could be an impact on the right-of-way as well.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to refer to staff the request by Ald. Sladek to discuss the creation of an ordinance limiting the height of property-line hedges to the same height as property-line fences. Motion carried.

6. Consideration with possible action on request by Ald. Wery to examine changing the method of approving and paying for all street improvements (referred to staff from Improvement and Service Committee meeting on July 13, 2016)

Director Grenier presented a report on the history of the existing funding method and the possible wheel tax method of funding street improvements. In Green Bay new streets that are developer built are not assessed.

Ald. Nennig asked if sidewalk construction could be paid for using a wheel tax.

Ald. Steuer stated that according to the table in the report Green Bay is not doing too bad compared to other municipalities.

Director Grenier suggested that the Committee and Common Council adopt a minimum dollar amount for City borrowing to fund street improvement projects. Currently there is no such minimum amount and DPW has had to revise work plans to schedule projects based on a different amount of borrowing each year. If a minimum borrowing amount was set DPW staff would be able to create a long term project schedule.

Ald. Wery asked what minimum borrowing amount would DPW recommend be maintained. Director Grenier stated that staff will report back a recommendation on an annual minimum amount of borrowing for street improvements.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to hold until the next Improvement & Service Committee meeting the request by Ald. Wery to examine changing the method of approving and paying for all street improvements. Motion carried.

7. Consideration with possible action on request by Ald. Zima that the right-of-way on the west side of North Norwood Avenue between Dousman and Hubbard Streets be declared surplus property to be offered to adjoining property owners.

Ald. Zima stated that the right-of-way in question is old railroad right-of-way which was turned over to the City when the tracks were removed. A resident had contacted him because she wanted to install a fence but there is not enough room between her trees and the current property line. Tom Geise from DPW had explained the process to Ald. Zima of declaring the excess right-of-way surplus and making the transfer to the adjacent property owners.

Director Grenier referred Committee members to item number 7 in their packets. The map shows the section of right-of-way in question. DPW recommends declaring the excess right-of-way along North Norwood Avenue between Dousman and Hubbard Streets as surplus property and transferring it over to the four adjacent property owners.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the request by Ald. Zima that the right-of-way on the west side of North Norwood Avenue between Dousman and Hubbard Streets be declared surplus property to be offered to adjoining property owners. Motion carried.

8. Consideration with possible action on request by the Department of Public Works to award Green Bay Water Utility's "2016 - 36" WATER MAIN PIPE REPLACEMENTS" at a staff level subject to the following conditions:

- A. The Green Bay Water Utility Commission approves the award.
- B. Delay in bringing forward the recommendation to the next regularly scheduled Committee meeting would result in an unacceptable delay in starting construction.
- C. The project awarded would be reported out at the next regularly scheduled meeting of the Improvement & Services Committee.

Director Grenier stated that this request is very similar to the request DPW had the Committee approve for projects in the Capital Improvements Program. Delay of the project award could create a hardship for Green Bay Water Utility.

Ald. Nicholson asked that if this is approved that the Public Works Director contact the Committee Chairman at the time the contract is awarded.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the request by the Department of Public Works to award Green Bay Water Utility's "2016 - 36" WATER MAIN PIPE REPLACEMENTS" at a staff level subject to the following conditions:

- A. The Green Bay Water Utility Commission approves the award.
- B. Delay in bringing forward the recommendation to the next regularly scheduled Committee meeting would result in an unacceptable delay in starting construction.
- C. The project awarded would be reported out at the next regularly scheduled meeting of the Improvement & Services Committee.

Motion carried.

- 9. Hearing on the charges against The Sprinkler Company, Inc. regarding their Underground Sprinkler License pursuant to GBMC 6.35(3)(d).

Chairperson Nicholson opened the hearing and asked three times if there was anyone who requested to be heard. There was no response to the Chair's question and the hearing was closed.

No motion was taken on the hearing on the charges against Michael J. Baenen. Neither Mr. Baenen, nor any representative on Mr. Baenen's behalf was present at the hearing.

- 10. Deliberations and action on the charges against The Sprinkler Company, Inc. regarding their Underground Sprinkler License pursuant to GBMC 6.35(3)(d).

The Committee may convene in closed session pursuant to Sections 19.85(1)(a), Wis. Stats., for purposes of deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body. The Committee may thereafter reconvene in open session pursuant to Section 19.85(2), Wis. Stats., to report the results of the closed session and consider the balance of the agenda.

Assistant City Attorney Joe Faulds explained that he will be presenting the City's case against Michael J. Baenen. Attorney Eric Erdman is present to advise the Committee on procedural issues regarding this deliberation.

Assistant City Attorney Faulds called Green Bay Plumbing Inspector Jason Sladky as his first witness. Assistant City Attorney Faulds presented Exhibit A which included three sprinkler permit applications received by the City during the summer of 2016. Assistant City Attorney Faulds asked Mr. Sladky to verify the information on the applications. The applications all contained the same Master Plumbers name and license number. Assistant City Attorney Faulds provided a copy of an email from the Master Plumber listed on the application to Mr. Sladky which stated that his employment at the Sprinkler Company, Inc. was terminated in February 2016. The Master Plumber also stated in the email that he did not sign any Underground Sprinkler Installation Permits for The Sprinkler Company, Inc. since his departure.

Assistant City Attorney Faulds called Mr. James Brunette as a witness. Assistant City Attorney Faulds had Mr. Brunette identify what he termed Exhibit C. Mr. Brunette identified the exhibit as a letter dated October 11, 2016 which was sent to Michael J. Baenen. The letter notified Michael J. Baenen that there would be a hearing on October 26, 2016 at the I&S meeting. The meeting will be held after the Parks Committee meeting. The letter had an attachment which summarized the charges against Michael J. Baenen.

Assistant City Attorney Faulds gave a closing statement summarizing the charges brought forward by the City. There were three violations in a short period of time. He recommends a revocation of the license. The revocation should cover the next installation season.

Ald. Nennig asked if there are also fines in addition to the license revocation.

Attorney Erdman stated that a monetary penalty could be issued.

Assistant City Attorney Faulds stated that Municipal Court will be handling the six citations issued to Michael J. Baenen.

Ald. Nennig asked if the residents have any recourse. Mr. Sladky stated that the systems that have outstanding orders must have those orders addressed. Once the orders are addressed the sprinkler systems will be considered code compliant.

A motion was made by Ald. Wery and seconded by Ald. Nennig to approve the charges against Michael J. Baenen regarding his Underground Sprinkler License pursuant to GBMC 6.35(3)(d) and to revoke his Underground Sprinkler License for the period of one(1) year. Motion carried.

11. Consideration with possible action on request by Department of Public Works to modify Municipal Ordinance 9.25(4) as follows: replace reference to "City Protection and Welfare Committee" with "City Improvement and Service Committee".

Director Grenier stated that Section 9.25 of Municipal Code is the code section related to Concrete Sidewalk Builder's Licenses. The licenses are issued by DPW after I&S and Common Council approval. Changing the Ordinance is a housekeeping item. Director Grenier stated that DPW would direct staff to forward the proposed change to the Law Department to put it into final Ordinance form.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to approve the request by Department of Public Works to modify Municipal Ordinance 9.25(4) as follows: replace reference to "City Protection and Welfare Committee" with "City Improvement and Service Committee" and forward the change to the Law Department to be put into final Ordinance form. Motion carried.

12. Consideration with possible action on request by Department of Public Works to discuss Master License Agreement between the City of Green Bay and Wisconsin Technology Networking, LLC contingent upon placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement and to authorize the Director of Public Works to execute the supplemental licenses for each site.

Director Grenier provided a summary of the background for this item. Wisconsin Technology Networking, LLC (WTN) is a regulated utility. As such they have the legal right to occupy the right-of-way. Utilizing the Master License and Supplemental License approach allows the City some control over the installations. The Master Agreement was negotiated between WTN and the City's Law Department. The template used for the base agreement was the agreement between Milwaukee and WTN.

Ald. Nennig asked if the City can deny WTN access to the right-of-way. He has a concern about right-of-way saturation.

The floor was opened and Brentt Michalek spoke on the behalf of WTN. He stated that he has been working with City staff on the installations. He anticipates that the first installations will not occur in the City until spring of 2017. The floor was closed for discussion.

The Committee members discussed the topic and decided that they needed more time to digest the Master Agreement.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to place on hold until the first Improvement & Service Committee meeting in December 2016 the request by Department of Public Works to discuss Master License Agreement between the City of Green Bay and Wisconsin Technology Networking, LLC contingent upon placing on file with the City applicable insurance, obtain all necessary City approvals, and authorize the Mayor and City Clerk to execute the agreement and to authorize the Director of Public Works to execute the supplemental licenses for each site. Motion carried.

13. Consideration with possible action on report of the Purchasing Manager:

A. Request approval to award a contract to Truck Equipment, Inc. to make chassis frame modifications to 4 trucks for \$36,800.

Purchasing Manager Jensen stated that the amount listed on the agenda is incorrect. Several options were added to the proposal and the revised total is \$47,450.00. The proposal included taking four existing City owned truck chassis and lengthening them to accommodate City owned garbage truck bodies. The completed trucks will be used for loose leaf collection and other like functions.

A motion was made by Ald. Vander Leest and seconded by Ald. Nennig to approve the report of the Purchasing Manager:

A. To award a contract to Truck Equipment, Inc. to make chassis frame modifications to 4 trucks for \$47,450.00.

Motion carried.

14. Director's Report on recent activities of the Public Works Department.

Director Grenier stated that Operations Division held a real world training session for snow plow drivers today. A course was set up in Stone Gardens Subdivision on the east side. Scrap cars, mail boxes and trash receptacles were placed along the test route. Operations Division fit a plow truck with a specialized plow that had wheels in place of the wear shoes to simulate an actual event. The drivers took turns practicing maneuvering through the course. The division has several new drivers this year and the real life practice greatly helps prepare them for this winter and to minimize plow related issues for the City.

Operations Division is in the second round of loose leaf collection. This fall is unusual in that some trees are still holding their leaves. DPW may need to authorize some overtime to perform loose leaf collection on weekends so that the collection can be completed before we receive our first snowfall.

The trapping contractor that DPW has hired to trap at our stormwater facilities has been very successful early on. In eight days of trapping he has removed 98 animals.

The new Smart Covers that were recently approved by the Committee have been received and put into service. They are in service on sanitary and storm sewer pipelines. All of the covers reflected an increase of flow during today's rainfall. The covers are proving to be a valuable tool in helping to identify issues with the City's sewer collection systems.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to receive and place on file the verbal Director's Report on the recent activities of the Public Works Department. Motion carried.

A motion was made by Ald. Nennig and seconded by Ald. Vander Leest to adjourn the meeting. Motion carried.

Meeting adjourned at 7:30 p.m.